

Regular Session, 2010

HOUSE BILL NO. 141

BY REPRESENTATIVE WOOTON

WEAPONS/FIREARMS: Provides that applications to possess or transfer certain firearms may be filed on approved electronic forms

## 1 AN ACT

2 To amend and reenact R.S. 40:1784, relative to applications to possess or transfer certain  
3 firearms; to provide for the use of electronic applications approved by the  
4 Department of Public Safety and Corrections for the possession or transfer of certain  
5 firearms; to provide that applications for the possession or transfer of certain  
6 firearms may be filed electronically; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1784 is hereby amended and reenacted to read as follows:

9 §1784. Application to possess or transfer; use of information or evidence

10 A. No person shall ~~continue to~~ possess or ~~shall~~ transfer any firearm without  
11 the prior approval of the department. ~~Interested persons~~ Any person seeking  
12 approval from the department shall file written applications in duplicate on  
13 application forms issued in blank for those purposes by the department, or  
14 electronically as approved by the department. In the case of transfers of any firearm,  
15 applications shall be filed by both the proposed vendor and the proposed vendee.

16 B. The applications shall set forth, in the original and duplicate, or  
17 electronically, the manufacturer's number or other mark identifying the firearm.  
18 Both the original and duplicate, or electronic application, shall be forwarded to the  
19 department. If approved, the original shall be returned or notice shall be issued to  
20 the applicant.

1                    C. No information or evidence obtained from an application, registration, or  
2                    records required to be submitted or retained by a natural person in order to comply  
3                    with any provision of this Part or regulations issued thereunder shall, except as  
4                    provided by the laws on perjury or false swearing, be used, directly or indirectly, as  
5                    evidence against that person in a criminal proceeding with respect to a violation of  
6                    law occurring prior to or concurrently with the filing of the application or  
7                    registration, or the compiling of the records containing the information or evidence.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Wooton

HB No. 141

**Abstract:** Authorizes the use of electronic forms for applications to possess or transfer certain firearms.

Present law defines "firearm" as a shotgun having a barrel of less than 18 inches in length; a rifle having a barrel of less than 16 inches in length; any weapon made from either a rifle or a shotgun if the weapon has been modified to have an overall length of less than 26 inches; any other firearm, pistol, revolver, or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun, grenade launcher, flame thrower, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not been identified as firearms in present law from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

Present law defines "transfer" as the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

Proposed law retains the provisions of present law and provides that applications for the possession or transfer of certain firearms may be filed electronically if those forms are approved by DPS&C.

(Amends R.S. 40:1784)